

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Raymond Orrand, Administrator, et al. : Case No.: 2:11-CV-00943  
et al. :  
Plaintiffs, : Judge Frost  
v. : Magistrate Judge Deavers  
Summit Logging, Inc. :  
Defendant. :

**ORDER GRANTING DEFAULT JUDGMENT**

Plaintiffs are the Administrator and Trustees of the Ohio Operating Engineers Health and Welfare Plan, Ohio Operating Engineers Pension Fund, Ohio Operating Engineers Apprenticeship Fund and Ohio Operating Engineers Education and Safety Fund (the “Funds”). They have brought suit against Defendant Summit Logging, Inc. pursuant to a collective bargaining agreement, alleging that Defendant has failed to comply with the fringe benefit contribution and audit requirements of their agreement. Although Plaintiffs completed personal service of their Complaint on December 21, 2011, Defendant has not moved or pled in response to the Complaint. On December 28, 2011, the Clerk of Court entered default against Defendant; Plaintiffs have now filed a motion for default judgment.

Fed. R. Civ. Pro. 55(b)(2), permits the court to enter default judgment in cases when a sum certain amount or damages have not been ascertained.

In this case, an affidavit executed by Raymond Orrand, Administrator of the Funds, indicated that Defendant has failed to permit Plaintiffs to perform an audit of its books and records to ascertain the fringe benefit contribution owed by the Defendant, if any.

The Court is satisfied that judgment in this amount is a sum which can be made certain by computation, and that Defendant has failed to move or plead in response to Plaintiffs' Complaint. Therefore, for good cause shown, the Motion is **GRANTED**.

It is hereby **ORDERED** that judgment be entered in favor of Plaintiffs Raymond Orrand, et al., and against Defendant Summit Logging, Inc. as follows:

1. Audit findings/delinquent contributions for the period February 1, 2008 to November 1, 2008 in the amount of \$1,562.40;
2. Interest in the amount of \$970.37 calculated to December 27, 2011 plus \$0.77 per day thereafter as long as the judgment remains unpaid;
3. Statutory interest in the amount of \$970.37 calculated to December 27, 2011 plus \$0.77 per day thereafter as long as the judgment remains unpaid;
4. Court costs in the amount of \$350.00.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
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United States District Judge